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3 UNITED STATES DISTRICT COURT

4 DISTRICT OF NEVADA

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6 RICHARD IDEN,

7 v.

8 D. JONES, *et al.*,

Plaintiff,

9 Defendants.

10 Case No. 3:22-cv-00138-RCJ-CSD

11 ORDER

12 Plaintiff, who is in the custody of the Nevada Department of Corrections, initiated  
13 this action with an application to proceed *in forma pauperis* and a civil rights complaint  
14 under 42 U.S.C. § 1983. (ECF Nos. 1, 1-1.) Plaintiff subsequently filed a motion for a  
15 preliminary injunction and a second application to proceed *in forma pauperis*. (ECF Nos.  
16 3, 4.) The Court has not yet screened Plaintiff's complaint, and the complaint has not  
17 been served on Defendants. Plaintiff has now filed a motion requesting that this case be  
18 dismissed. (ECF No. 5.)

19 Under Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action  
20 without a court order by filing "a notice of dismissal before the opposing party serves  
21 either an answer or a motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i). The  
22 Court grants Plaintiff's motion to dismiss this action because no responsive pleading has  
23 been filed in this case. Thus, the Court dismisses this action without prejudice.

24 It is therefore ordered that Plaintiff's motion to dismiss this case (ECF No. 5) is  
25 granted.

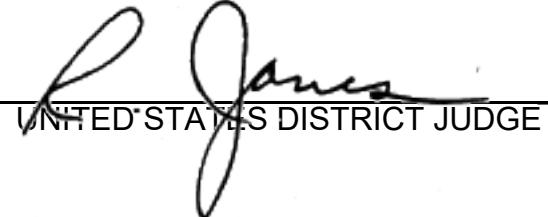
26 It is further ordered that Plaintiff's applications to proceed *in forma pauperis* (ECF  
27 Nos. 1, 4) are denied as moot. Plaintiff will not be required to pay the filing fee in this  
28 action.

1 It is further ordered that Plaintiff's motion for a preliminary injunction (ECF No. 3)  
2 is denied as moot.

3 It is further ordered that this action is dismissed in its entirety without prejudice.

4 It is further ordered that the Clerk of the Court will close this case.

5 DATED THIS 24th day of August 2022.

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7 UNITED STATES DISTRICT JUDGE  
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